



Nez Perce Tribe US Forest Service Pre-Consultation Inquiry Form

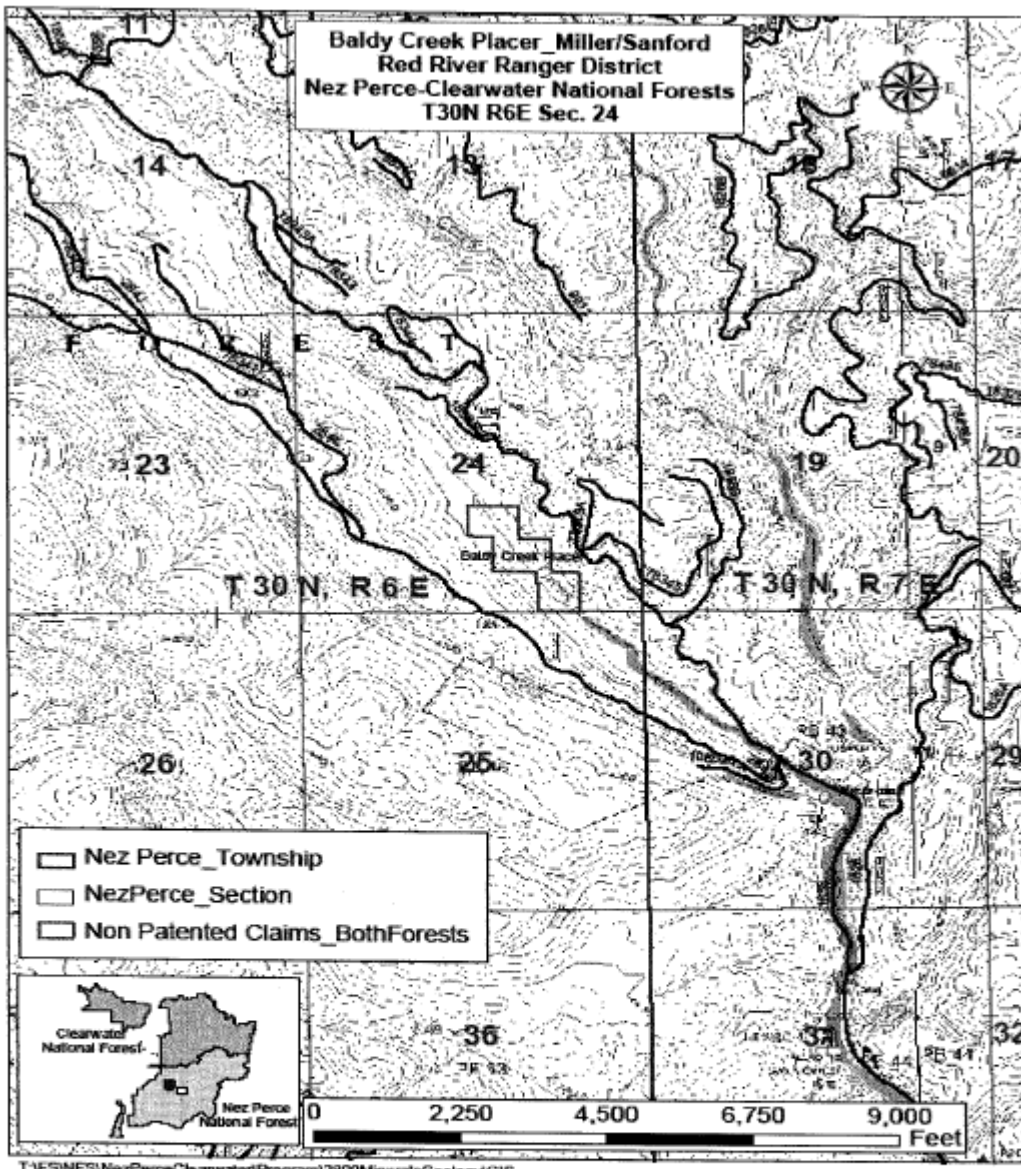


PROJECT INFORMATION

Project Title:	Baldy Creek Placer Exploration (CE)	Team Leader:	Marty Jones (208) 983-5158
National Forest:	Nez Perce - Clearwater		Nez Perce-Clearwater Forests Supervisor's Office 104 Airport Road Grangeville, Idaho 83530
District Ranger:	Ed Koberstein (Acting)	District:	Red River
Major Watersheds Involved:	Baldy Creek, Newsome Creek		
Today's Date:	5/16/2013	Stage of NEPA Process:	Scoping
Date Decision Expected:		Date Comments Needed:	

BRIEF PROJECT DESCRIPTION

Please attach maps/pictures if applicable



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19 April, 2013, Clint Hughes

**MAP
BALDY CREEK
PLACER EXPLORATION PROJECT**

Legal Description: T30N, R7E, Sections 18 and 19 (Boise Meridian) (From Map – T30N R6E S24)

Proposed Category: 36 CFR 220.6(e)(8) Short-term (one year or less) mineral, energy, or geophysical investigations and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than one mile of low standard road, or use and minor repair of existing roads.

Narrative Summary: The Red River Ranger District proposes to allow the claim operator to excavate approximately 12 placer test pits in the Baldy Creek Drainage.

A standard set of mitigation measures has been developed for exploration proposals of this type and would be implemented for this project as well as any additional mitigation, as appropriate. Idaho BMPs for mining would be adhered to. A field review, which includes the operator, would be necessary before the project is initiated to identify specific sites, related issues, and possible site-specific mitigation measures.

A reclamation bond appropriate to the operation would be calculated by the Forest Service. A bond sufficient to cover all necessary reclamation would be submitted by the operator before the Plan of Operations is approved and before work may begin.

The 12 pits would be dug with a small (16,000 lbs.) excavator and sized 10' x 10' maximum down to bedrock, if possible. Materials would be processed by first excavating them from a pit, and separating them by layers (topsoil, overburden, pay material, etc.). Materials would be hauled with a small end-loader to a site where they would be processed through a small, high banker type sluice box. Two small settling ponds would be constructed to hold process water and settle out sediments.

Process water would initially be drawn from Baldy Creek, and recirculated from the settling ponds.

The claim operators would obtain a temporary water right from the Idaho Department of Water Resources, and the water withdrawal site would be reviewed by Forest Service specialists before water is removed from Baldy Creek.

No live water or wetlands would be directly affected by this proposal. An appropriate buffer of at least 20' would be maintained between any surface disturbance and adjacent streams or wetland areas.

Reclamation would be concurrent with the operation. As testing is completed at each pit, it would be reclaimed, re-contoured, seeded, and mulched as needed. At the completion of the project, the settling ponds would be refilled, topsoil would be replaced, and all disturbed areas would be reseeded and mulched as needed.

No roads or trails need to be constructed for this project. Access to the project area is by Forest Road 1858 up Newsome Creek to the mouth of Baldy Creek, where a primitive two-track road leads upstream to the project area. Some dead and/or down timber may be removed for access and safety. A number of small trees may need to be removed. These would be cut down and piled to one side, scattered about the immediate area, and left in place for erosion control when work is completed. Merchantable –sized trees would not be removed without prior review and authorization from the District Ranger.

This project is currently proposed for the spring and summer of 2013 and may extend through the 2014 operating season, depending on weather and timing. Duration of the operation would be one year or less.

Project Information

If you have questions or want more information on this project, please contact Marty Jones at (208) 983-5158.

STAFF-STAFF MEETING ARRANGEMENTS

☐ **USFS Requests Staff-Staff Meeting**

Meeting Arrangements:

- **Meeting Date:** _____ **Meeting Time:** _____
- **Conference Call** ☐ **Meeting in Lapwai** ☐ **Other** ☐ If other, where: _____

☒ **NPT / USFS Staff Discussion Points:**

Forest Service's management must be consistent with United States' treaty obligations to the Nez Perce Tribe, including protection of all of the Tribe's treaty-reserved rights and resources, and cultural resources.

This form represents the questions and concerns of NPT DFRM Watershed Division. There may be additional wildlife or cultural issues that are important to NPT. Please contact both NPT wildlife and cultural resources staff.

- **The legal description in the narrative does not match the legal description or depiction on the map**
- Instream flows have been established and are held by the Idaho Water Resources Board for selected streams of importance to the Nez Perce Tribe, as part of the Snake River Basin Adjudication Settlement. Newsome Creek has been placed on the “A” stream list with specific requirements regarding instream flows. How much water will be withdrawn from Baldy Creek? How will this effect stream flow in Newsome Creek?
- There are Threatened, Endangered, and/or Sensitive fish species and/or habitat in Baldy Creek (Chinook, Steelhead, Bull Trout, and Cutthroat). How might they be impacted? Any potential impacts should be fully explored. NPT staff believes this project should require consultation with the services.
- The South Fork Clearwater River Plan was adopted by the Idaho Water Resource Board in 2004 and approved by the legislature in 2005. Idaho Water Resource Board designated Newsome Creek and several tributaries as Recreational Rivers. With this designation comes prohibited activities’ including Dredge or placer mining (including recreational dredging, except where allowed through application for permit, Form 3804-B).
<http://www.idwr.idaho.gov/waterboard/WaterPlanning/CompBasinPlanning/Clearwater%20SF/clearwater-sf.htm>

Should this application even be considered?

- **NPT staff believes this project should not be considered under small NEPA, but rather an EA or EIS, taking into consideration the cumulative effects of all other mining (Heritage Gulch, Heritage 2, Newsome Creek Placer, and and others) and non-mining proposals within the watershed.**
- How will this project affect fish populations?
- What other aquatic species or habitat may be impacted?
- Will this project cause stream sedimentation?
- Has this applicant worked on forest service property before? If so, how was their performance? Any past performance needs to be evaluated and current and future permits tailored and complied to ensure all aspects of the permit are followed and there is no resource damaged caused by the proposed operation.
- Are resource advisors included in compliance, monitoring, and determinations of proper site reclamation? If not, we strongly encourage the forest service to assign staff that has expertise in mining, reclamation, hydrology, fisheries, and watershed to each of these projects to assure protection of resources. Specifically, work should be suspended in excessive rainy periods; all new and existing test pits, roads, trails, stockpiles, adit openings used by the permittee should employ adequate erosion controls to prevent sediment from reaching any stream. If observed, as a condition of the permit work should be halted until the problem is corrected. Disturbed areas and rehabilitation plan should include conservation of topsoil, finish grading to minimize erosion and restore natural slope, grass seeding, and scattering of debris over the disturbed areas.
- How is bonding calculated? How long is the bond held? – until the completion of operations or until vegetation is re-established and it is clear that reclamation has been achieved?
- Will bonding cover any potential cumulative effects or impacts that this project contributes to?
- What will happen if subsurface water is found during excavation ?
- What other testing for toxics and contaminants has been completed? Water should be thoroughly tested before any land application is allowed.
- Why are any operations being allowed within the RCA?
- The claimant needs to obtain all necessary permits and furnish copies to the Forest prior to any decision on this project.
- Is the primitive road/trail a system road? How will the Forest grant access on this road? How will this road be accounted for in the Forest’s travel management plan over time?
- Will the stream be crossed?
- How deep does the proponent have to dig to get to bedrock?
- How will the proponent shore up the test pits to avoid cave-ins?
- What is the water table and subsurface hydrology of the area? How have the effects on the water table and subsurface hydrology been analyzed?
- How will this project affect stream flows?
- What effect will this proposal have on stream temperatures?
- What will happen if the proponent encounters subsurface water while excavating?
- NPT staff has past experience excavating in the Crooked River area with a 580 Case Backhoe. This staff member encountered an upwelling of groundwater (described as a “gusher”) that nearly swallowed the machine. This staff member has long time experience in the Newsome, American, Red, and Crooked River Valleys and indicates that all of these valleys could/may be similar. Full analysis of the subsurface hydrology should be completed prior to authorizing any excavation work.
- USFS and NPT partnered to complete restoration work in the Newsome Creek area as recently as last year. How will this proposal affect these restoration efforts? How is the Forest Service going to mitigate for this?

Post Meeting Staff Recommendation:

- ☐ NPT Staff Comfortable with Project Design, No further discussion needed unless scope of project changes.
- ☐ NPT Staff Comfortable with Project Design, but do have a few more questions to discuss at next quarterly meeting.
- ☐ NPT Staff has concerns; NPT / USFS Staff agree to another meeting to resolve issues.
- ☐ NPT Staff Recommends Formal Consultation

Quarterly NEPA Meeting Notes: